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February 28, 2022

VIA ECF

The Honorable Katherine Polk Failla
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 2103
New York, NY 10007

MEMO ENDORSED

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Re: *Huzhou Chuangtai Rongyuan Inv. Mgm't P'ship et al. v. Qin*, No. 1:21-cv-9221-KPF

Dear Judge Failla,

We write on behalf of Respondent Hui Qin ("Qin") to request leave to file certain documents with redaction and certain documents under seal, pursuant Rules 9(B) and 9(C) of Your Honor's Individual Rules of Practice in Civil Cases ("Individual Rules") as well as the parties' Stipulated Protective Order dated January 3, 2023. ECF 92.

In connection with response to Petitioners' Motion to Compel, for sanctions, and requesting an order of civil contempt, Qin respectfully requests to file the following documents with redactions: (1) Qin's Memorandum of Law, (2) Seiden Law's Memorandum of Law, (3) Qin's Second Supplemental Declaration ("Qin's Second Decl.").

Qin further respectfully requests to file certain exhibits attached to Xintong Zhang's Declaration ("Zhang Decl.") and Qin's Second Decl. to be filed under seal.

Exhibit	Description
Zhang Decl. Exhibit A	A letter from Petitioners dated December 20, 2022
Zhang Decl. Exhibit B	Seiden Law's email chain concerning Qin's rolling production
Zhang Decl. Exhibit D	Qin's Errata Sheet to his Deposition Transcript
Qin's Second Decl. Exhibit A	A copy of Qin's Passport (full pages)
Qin's Second Decl. Exhibit B	Copies of a British Verigin Islands company's (the " <u>BVI Company</u> ") Resolution
Qin's Second Decl. Exhibit C	Copies of the BVI Company's Share Transfer Form
Qin's Second Decl. Exhibit D	Copies of the BVI Company's Deed of Gift



Qin's Second Decl. Exhibit E	Copes of a New York State Real Estate Transfer Tax Return
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Pursuant to Rule 9 of Your Honor's Individual Rules, Qin needs to demonstrate the purpose of redactions or filing under seal must be consistent with the presumption in favor of public access of judicial documents. The Second Circuit has long established that "[t]here is a common law presumption in favor of permitting public access of judicial function and useful in the judicial process." *Lugosch v. Pyramid Co. of Onondaga*, 453 F. 3d 110 (2d. Cir. 2006). A court may balance this common law presumption of access against competing comparisons, including the "privacy interests of these resisting disclosure." *Id.*, at 120. The court recognizes that defendant and third-party's "privacy interests [] outweigh the presumption of the public access." See *PharmacyChecker.com LLC v. Nat'l Ass'n of Boards of Pharmacy*, No. 19-civ-07577-KMK, 2022 WL 4956050 (S.D.N.Y. Aug. 26, 2022)

Here, Qin's Second Decl. (including Exhibits A-E), the Exhibits A, B, and D of Zhang Decl., Qin's Memorandum of Law, and Seiden Law's Memorandum of Law contain sensitive personal identifying information, such as Qin's social security number, passport information, immigration status, addresses, bank account information, tax returns, and assets information. In addition, most of these documents have been marked as "confidential" in pursuing to the parties' Stipulated Protective Order. Thus, Qin's interest in protecting his confidential and privacy information, *e.g.*, personal identification information and assets information, outweighs the common law presumption of access.

Therefore, Qin respectfully request that the Court grant his application to redact his Memorandum of Law, his Second Supplemental Declaration, Seiden Law LLP's Memorandum of Law, and to file Exhibits A, B, and D of Xintong Zhang's Declaration as well as Exhibits A-E of Qin's Second Supplemental Declaration under seal.

Respectfully Submitted,

cc: All counsel of record (via ECF)

/s/ Xintong Zhang
Xintong Zhang

Application GRANTED. The Clerk of Court is directed to maintain docket entries 114-117 under seal, viewable only to the parties and the Court.

The Clerk of Court is further directed to terminate the motion at docket entry 122.

SO ORDERED.

Dated: March 2, 2023
New York, New York

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE